IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20786 of 1995

Between:

G.B.Sankara Rao s/o.G.Subba Rao,

Aged about 40 years, Lecturer in Electrical Engineering

Department, Sir C.R.R. Polytechnic, Eluru, West Godavari District.

... PETITIONER

AND

1. The Government of A.P. rep. By its Secretary, Technical Education Department, Secretariat, Hyderabad.
2. The Commissioner of Technical Education, Government of Andhra Pradesh, B.R.K.R. Bhavanam, Hyderabad.
3. The Correspondent, Sir C.R.Reddy Polytechnic, Eluru, West Godavari District.
4. G. Ram Mohana Rao S/o.G. Malleshwara Rao, R/o.28-1-53-2, 8th Road, Shantinagar, Eluru.
5. V. Madan Mohan s/o.Madhusudhan Rao, 24A-20-3, Ashoknagar, Eluru.

(R.4 is impleaded as per Court order dated 5-12-1997 in WPMP No.18097/97; R.5 is impleaded as per Court Order dated 5-12-1997 in WPMP No.20700/97

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ or order or orders or direction more particularly one in the nature of writ of mandamus declaring the Circular Memo No.E1/19625/90, dated 16-8-1990 of the Commissioner and Director of the Technical Education, the second respondent herein, and consequentially the impugned order dated
19-8-1995 reverting the petitioner as Associate Lecturer passed by the Correspondent of Sir C.R.Reddy College of Polytechnic, Eluru, the third respondent herein as illegal and void

Counsel for the Petitioner:MR.M.L.ALI

Counsel for Respondents 1 and 2: G.P. for Education

Counsel for the Respondent No.3: MR. C.KODANDA RAM

Counsel for Respondent No.4: Mr.G. Ram Mohan Rao

Counsel for Respondent No.5: Mr.G. Vasanth Rayudu

The Court made the following:

ORAL ORDER:

1. The petitioner is a Lecturer in Electrical Engineering Department, Sir C.R.R. Polytechnic, Eluru, West Godavari District. The third respondent—Correspondent of the College through the proceedings dated 19-8-1995 reverted the petitioner from the post of Lecturer to the post of Associate Lecturer. Against the order of reversion, he preferred an appeal before the second respondent under Section 8 of the A.P. Education Code on 25-8-1995 challenging the order of reversion passed by the third respondent. Simultaneously, the petitioner approached this Court through this writ petition seeking the same remedy. When the petitioner preferred to have the statutory remedy and having availed the same by way of preferring an appeal, he is not entitled to prosecute parallel proceedings by way of invoking an extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The writ petition is therefore not maintainable and it is accordingly dismissed.

2. The petitioner, however, is at liberty to approach the appropriate forum, if he is aggrieved of the order passed by the second respondent passed in the appeal.

(Dr.G.Yethirajulu, J)

29th November 2004.

Svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary to Government of A.P, Technical Education Department, Secretariat, Hyderabad.
2. The Commissioner of Technical Education, Government of Andhra Pradesh, B.R.K.R. Bhavanam, Hyderabad.
3. The Correspondent, Sir C.R.Reddy Polytechnic, Eluru, West Godavari District.
4. G. Ram Mohana Rao S/o.G. Malleshwara Rao, R/o.28-1-53-2, 8th Road, Shantinagar, Eluru.
5. V. Madan Mohan s/o.Madhusudhan Rao, 24A-20-3, Ashoknagar, Eluru.
6. The Government Pleader for Education, High Court of Andhra Pradesh, Hyderabad.
7. Mr.C. Kodanda Ram, Advocate (OPUC)
8. Mr.G.Vasanth Rayudu, Advocate (OPUC)
9. Mr.G. Ram Mohan Rao, Advocate (OPUC)
10. 2 CD copies.